

EXHIBIT 40

**To
PLAINTIFF'S LOCAL RULE 56.1(b)(3)(C) STATEMENT OF ADDITIONAL FACTS
REQUIRING DENIAL OF THE CITY'S MOTION FOR PARTIAL SUMMARY
JUDGMENT**

March 15, 2016

Case No. 14-CV-4391

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICOLE HARRIS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:14-cv-04391
)	
CITY OF CHICAGO, Chicago Police)	Hon. John W. Darrah
Officers ROBERT BARTIK, #3078;)	
DEMOSTHENES BALODIMAS,)	
#21204, ROBERT CORDARO, #20680,)	
JOHN J. DAY, #20926, JAMES M.)	Hon. Mag. Susan E. Cox
KELLY, #21121, MICHAEL)	
LANDANDO, #20417, ANTHONY)	
NORADIN, #21252, and RANDALL)	
WO, #20232; Assistant Cook County)	
State's Attorneys ANDREA GROGAN)	
and LAWRENCE O'REILLY; and the)	
COUNTY OF COOK,)	
)	
Defendants.)	

**CITY OF CHICAGO'S SUPPLEMENTAL RESPONSES TO
NICOLE HARRIS' AMENDED SECOND SET OF REQUESTS TO ADMIT**

Defendant City of Chicago (the "City"), by its attorneys, Greenberg Traurig, LLP, responds and objects to Plaintiff's Amended Second Set of Requests to Admit ("Requests") as follows:

RESPONSES TO REQUESTS TO ADMIT

REQUEST NO. 1: Admit that between 2003 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Mr. Omar Aguirre.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 2: Admit that between 2008 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Mr. James Andrews.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 3: Admit that neither the City nor the Independent Police Review Authority has ever undertaken an investigation into the circumstances of police detectives obtaining the confession of David Bates.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 4: Admit that between 2001 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Marcellius Bradford.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 5: Admit that between 2014 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Robert Britton.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 6: Admit that between 2011 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Eric Caine.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 7: Admit that between 2001 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Miguel Castillo.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 8: Admit that between 2013 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Mr. Carl Chatman.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 9: Admit that between 2003 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Michael Evans.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 10: Admit between 2009 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of David Fauntleroy.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 11: Admit that between 2014 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining a confession from Lewis Gardner.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 12: Admit that between 2000 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Hubert Gerald, Jr.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 13: Admit that between 2013 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Nicole Harris.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 14: Admit that between 2005 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Harold Hill.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 15: Admit that between 2003 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Madison Hobley.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 16: Admit that between 2003 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Stanley Howard.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 17: Admit that between 1989 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Melvin Jones.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 18: Admit that between 1999 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Ronald Jones.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 19: Admit that between 2009 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Ronald Kitchen.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 20: Admit that between 2002 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Eric Kittler.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 21: Admit that between 2012 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of James Kluppelberg.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 22: Admit that between 2001 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession Calvin Ollins.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 23: Admit that between 2003 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Leroy Orange.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 24: Admit that between 2003 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Luis Ortiz.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 25: Admit that between 2014 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Deon Patrick.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 26: Admit that between 2003 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Aaron Patterson.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 27: Admit that between 2014 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Paul Phillips.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 28: Admit that between 2012 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Harold Richardson.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 29: Admit that between 2004 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Lafonso Rollins.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 30: Admit that between 2003 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Edar Duarte Santos.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 31: Admit that between 2012 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Michael Saunders.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 32: Admit that between 2014 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Alstory Simon.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 33: Admit that after Terrill Swift was exonerated in 2012, and received a Certificate of Innocence in 2012, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining Mr. Swift's confession.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 34: Admit that between 2013 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Daniel Taylor.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 35: Admit that between 2012 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining confession of Vincent Thames.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 36: Admit that between 2010 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Michael Tillman.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 37: Admit that between 1991 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Joaquin Varela.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 38: Admit that between 2011 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Robert Veal.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 39: Admit that in 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Wayne Washington.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 40: Admit that between 1995 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Emmaline Williams.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 41: Admit that between 2006 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Robert Wilson.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City admits this Request.

REQUEST NO. 42: Admit that between 2013 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Stanley Wrice.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

REQUEST NO. 43: Admit that between 2005 and 2015 inclusive, neither the City nor the Independent Police Review Authority undertook any investigation into the circumstances of police detectives obtaining the confession of Dan Young.

RESPONSE: The City objects as this Request seeks information protected by the attorney-client privilege and work-product privilege. Subject to and without waiving the foregoing objections, the City denies this Request.

Dated: March 1, 2016




One of the Attorneys for Defendant,
CITY OF CHICAGO

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CERTIFICATE OF SERVICE

I, Kyle L. Flynn, certify that on March 1, 2016, true and correct copies of the **CITY OF CHICAGO'S SUPPLEMENTAL RESPONSES TO NICOLE HARRIS' AMENDED SECOND SET OF REQUESTS TO ADMIT**, served by email and U.S. Mail, postage pre-paid, upon the following parties in the case:

J. Samuel Tenenbaum Bluhm Legal Clinic 357 East Chicago Avenue Chicago, IL 60611	Joey L. Mogul Janine L. Hoft Janis M. Susler People's Law Office 1180 N. Milwaukee Chicago, IL 60622
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Kyle Flynn